

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Ivan Lopez, on behalf of himself and all other
persons similarly situated,

Plaintiff,

- vs. -

Rapid Parts Plus Auto, Inc. and Ponciano
Ferrerias,

Defendants.

DOCKET NO. 19-cv-3950 (JPO)(SN)

ORDER

BEFORE Oetken, J., U.S.D.J.:

THIS MATTER having been brought before the Court upon motion of the law firm of Samuel & Stein, attorneys for plaintiff Ivan Lopez, seeking to conditionally certify a Fair Labor Standards Act collective action and authorize notice to be issued to all persons similarly situated and related relief, and the defendants having consented to the motion, and for other good cause,


IT IS HEREBY ORDERED that the Motion by counsel for plaintiff Ivan Lopez is hereby granted; and it is **FURTHER ORDERED** that

1. The collective action notice entitled "NOTICE OF LAWSUIT AND OPPORTUNITY TO JOIN," submitted as Exhibit A attached to plaintiff's letter of February __, 2020, and the opt-in form entitled "CONSENT TO JOIN COLLECTIVE ACTION AND BECOME A PARTY PLAINTIFF," submitted as Exhibit B attached to plaintiff's letter of January __, 2020, are hereby approved for mailing to potential collective action opt-in plaintiffs in English and Spanish and any other language spoken by a significant number of class members;
2. The collective class of potential plaintiffs in this matter shall consist of all current and former delivery persons employed by Rapid Parts Plus Auto, Inc. at any time on or after May 2, 2016 to the date of this Order;
3. Within ten days of this Order, defendants shall provide to plaintiff's counsel, in a spreadsheet or other machine-readable form, the full names and last-known addresses of all potential plaintiffs who fit within the collective class defined in Paragraph 2, above, and indicate the native languages (if known) of any individuals for whom English is not their native language;
4. For any individuals identified in Paragraph 3 for whom defendants lack

valid addresses, defendants shall instead supply to plaintiff's counsel telephone numbers and/or email addresses, to the extent defendants possess this information;

5. Plaintiff's counsel shall keep all information supplied pursuant to paragraph 4 strictly confidential, and shall use the information solely for the purpose of locating potential opt-in plaintiffs for the purpose of notifying them of the pendency of this action;
6. Plaintiff shall mail the notice of collective action and opt-in form, in English and any other native language, to all potential collective action opt-in plaintiffs no later than ten days following defendants' disclosure of their names and addresses. The notice shall be dated the exact date of the initial mailing and the deadline date set forth in the notice shall be the date exactly sixty days thereafter;
7. If any notice to any potential collective action opt-in plaintiff is returned as undeliverable, plaintiff's counsel is permitted to mail the notice to any such persons again at any other address they may determine is appropriate. However, this shall not extend the sixty day opt-in deadline from the date of the initial mailing;
8. On the date the notices are mailed, the English and other language versions of the collective action notice and opt-in form shall be conspicuously posted at defendants' business in a place accessible to employees, and defendants shall provide photographic proof of same to plaintiff's counsel;
9. All potential collective action plaintiffs must opt-in no later than sixty days following the date of the initial mailing of the collective action notice by returning the executed form entitled "CONSENT TO JOIN COLLECTIVE ACTION AND BECOME A PARTY PLAINTIFF" in sufficient time for it to be filed with the Court no later than sixty days from the date of the initial mailing. Plaintiff's counsel shall thereupon promptly file such executed consents with the Court.

It is on this 2nd day of March, 2020, **SO ORDERED:**



J. PAUL OETKEN
United States District Judge